

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 18-8473-DSF (KS) Date: January 2, 2019

Title *Charles Eugene Bowermaster v. Magnia et al*

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Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson  
Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL**

On October 2, 2018, Plaintiff, a California resident proceeding *pro se*, filed a civil rights Complaint (“Complaint”) alleging that two officers at the Santa Barbara County Jail violated his rights under the First and Eighth Amendments. (Dkt. No. 1.) On October 12, 2018, the Court dismissed the Complaint for failure to state a claim upon which relief could be granted and ordered Plaintiff to file either a First Amended Complaint or a Notice of Voluntary Dismissal within 30 days. (Dkt. No. 5.) On October 25, 2018, Plaintiff requested an extension of time to file a First Amended Complaint (Dkt. No. 6), which the Court granted (Dkt. No. 7). The Court ordered Plaintiff to file a First Amended Complaint no later than December 12, 2018. (Dkt. No. 7.)

Two weeks have now passed since Plaintiff’s First Amended Complaint was due, and Plaintiff has neither filed the First Amended Complaint, notified the Court of a change of address, nor otherwise communicated with the Court about his case.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s prior orders.

However, in the interests of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before January 23, 2019**, why the Court should not recommend that this action be dismissed for failure to prosecute. Plaintiff may discharge this Order by filing: (1) a

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request for an extension of time to file a First Amended Complaint and a declaration signed under penalty of perjury, explaining why he failed to comply with the Court's prior orders; or (2) a First Amended Complaint correcting the deficiencies identified in the Court's October 12, 2018 Order. Alternatively, if Plaintiff does not wish to pursue this action, he may dismiss the Complaint without prejudice by filing a signed document entitled "Notice Of Voluntary Dismissal" pursuant to Rule 41(a)(2).

**Plaintiff is advised that the failure to respond to this order may result in a recommendation of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

**IT IS SO ORDERED.**

Initials of Preparer

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